

**Election Commission
Meeting Minutes
January 21, 2015**

Present: Marjorie Butler, Jan Huffman, Nancy Levine, John McDermott

Also Present: City Clerk David Olson; Aldermen Fuller and Blazar; and members of the Election Advisory Committee

Minutes

The minutes from the November 17, 2014 meeting were reviewed. A motion to approve the November 17, 2014 minutes was made and seconded. The minutes were approved unanimously.

Discussion of the 2015 Municipal Election Calendar

Clerk Olson laid out the reason for the discussion. He noted that this was a municipal election year for Aldermen and School Committee members. The City Charter requires that a preliminary election be held if there are 5 or more individuals running for an Alderman-at-Large seat, or 3 or more individuals running for a Ward Alderman or School Committee seat. If these candidate thresholds are not met, there will be no need for a Preliminary Election. However, we need to plan for one.

The Election Commissioners will be making a recommendation for a date for the preliminary to the Board of Aldermen, as it is the responsibility of the Board to set the date. A few years ago the Board of Aldermen sought home rule legislation to change the Charter to make it easier to schedule a preliminary election. Restrictions on the number of weeks before the general election were removed to only require that the preliminary election be held on a Tuesday. This worked well for a few years until this year. Due to the Jewish holidays this year, setting a date on a Tuesday becomes a problem.

Clerk Olson handed out a calendar to illustrate the problem. September 1st had no conflict; however, it falls before Labor Day. September 8th is the day after Labor Day and the first day of school in Newton. The problem with this date is that City Hall and the Schools will be closed on Monday making it impossible to set up the polling locations on Monday, and as we use several elementary schools as polling locations, the confusion of the first day of school will not be helped by also having voting going on in the school.

September 15th is the second night of Rosh Hashanah, there will be many in the city that will not be able to come out to vote and we will lose a number of poll workers as well.

On Tuesday, September 22nd Yom Kippur begins at sundown. Although the holiday does not begin until sundown, there would be a number of poll workers that would not be able to work a full day.

September 29th is Succot and October 6th is Simchat Torah and for some poll workers, this will be an issue for them as they would not be able to work on those days.

Waiting until October 13th is too close to the November 3rd general election. There will not be enough time to get ballots printed, absentee ballots mailed out and returned.

Clerk Olson noted that setting a date for the Preliminary is an issue that every City in the State is facing. Everyone is trying to figure it out. He also noted that the last time that the election only involved the Aldermen and School Committee; there were not enough candidates to hold a Preliminary Election.

It was asked if the first day of school would rule out the 8th. Clerk Olson noted that the bigger issue with the 8th is actually that the 7th is a holiday and city buildings will be closed and staff will be on vacation. The possibility exists of delivering the ballot boxes and polling supplies on Friday, but for the community centers that have programs on the weekend, it will be a problem for them to have this material in the way over the weekend.

It was asked why we could not use a Wednesday. Clerk Olson explained that the City Charter requires it to be on a Tuesday. To change that, the city would need to seek Home Rule Legislation to set the date for other than a Tuesday. This is not impossible to do. It is just another step in the approval process. It was suggested that the best course of action may be to eliminate the Tuesday restriction, as this problem may come up again. The first step in Home Rule Legislation is getting the Board of Aldermen to approve seeking Home Rule Legislation. Once requested, one of our local representatives would be the sponsor at the legislature and the legislature would then vote to change the charter. It is a process that will take some time.

It was asked where the negative feedback came from on the September 29th and October 6th dates. Several individuals in the audience, who were Jewish, felt that these Jewish holidays would only be a problem for the most orthodox Jews. Clerk Olson read from a letter sent by one of the Poll Wardens who said that if the elections were scheduled those days that she, and others from her congregation, would not be able to work or come out to the polls that day. It was also noted by Clerk Olson that waiting until the end of September or beginning of October would make it hard to get ballots printed and mailed out, as well as give absentee voters time to mark their ballots and get them mailed back before the November 3 election.

It was asked if any other communities would be seeking Home Rule Legislation. Clerk Olson stated that many cities were in the same place that we are in in trying to set a date. He noted that the City of Pittsfield has decided to go ahead with September 22nd, the first night of Yom Kippur. The city has a fairly small Jewish community.

Commissioner Levine stated that if we have the ability to go for a Home Rule petition, we should do so. It will buy us flexibility forever and we can avoid offending anyone.

Commissioner Butler agreed because a lot of people are affected in different ways. Poll workers are a big concern on the holidays.

Commissioner Butler asked about September 1st noting that it had the advantage of the schools being closed, but wondered if it was too early for those running.

It was asked if the Board of Aldermen should set two dates in case they are unable to get special legislation. It was asked how likely it might be that they would not get special legislation. Clerk Olson noted that many cities were in the same boat and that the legislature may see more than one request. It would be highly likely that we will get it.

It was asked how logistically possible it would be to do an elections during school summer vacation. Clerk Olson noted that the schools will be closed, but the custodians are there and they are the ones that set up the polling space. There may be isolated places where the custodian has taken vacation, but others could fill in and get the location set up.

Commissioner Levine noted that the week before school starts Newton is a ghost town. She was concerned that the number of people that would be around to come out and vote would be very small.

Ald. Blazar felt that September 29th would be the best date. For those that would not come to the polls as it is a Jewish holiday, they have the option of absentee voting.

Ald. Fuller asked if there was time to ask some Rabbis about what to do.

It was asked which Wednesday or Thursday would be best. Clerk Olson noted that if it was the week of September 14, then Thursday the 17th would be the best day to avoid Rosh Hashanah. It was asked if Thursday the 10th would be acceptable and comment was made that the first week back after summer vacation was probably not as good.

Ald. Blazar noted that giving people an extra week to campaign after Labor Day was good.

Commissioner Huffman asked if it would be a problem to have an election on a Wednesday or Thursday. Clerk Olson stated that it would depend on how ingrained it was in people to vote on a Tuesday. It was noted that there had been a special state election on a Wednesday.

Terri Ginsberg, a co-chair of the Countryside PTO, noted that having voting on Tuesdays mitigates some of the security concerns in the elementary schools as it is a half day for students.

The Commissioners discussed whether to eliminate the day of the week in the Home Rule Petition or modify the day of the week to include Tuesday, Wednesday or Thursday.

Clerk Olson suggested that he contact the Law Department to craft the language of the Home Rule petition and to seek out Rabbis to come in and discuss the dates with the Commission.

Another Election Commission meeting could be set for a week or two from now. It was noted that the Rabbis will probably tell the commissioners that they should avoid the Jewish holidays.

Commissioner Levine suggested that there was no need for another meeting and moved that the Commission make a recommendation to the Board of Aldermen that they apply for a Home Rule Petition to free up the requirement that Preliminary Elections having to be held on a Tuesday, pending the appropriate wording of the Law Department, and that the date for the 2015 preliminary election be held on Thursday, September 17th.

The motion was seconded and the vote was APPROVED 3 yeas with 1 abstention (Comm. McDermott)

To Hear from the Countryside School PTO

Terri Ginsburg, Co-president of the Countryside Elementary School PTO, addressed the commission in regards to security issues in using the school as a polling location. She noted that during the school year, there are security measures in place that require individuals coming in and out of the school to sign in at the office, but on election day, people just come in and out of the building with the doors held wide open. She noted that at the last election a voter came out of the polling location and got lost and walked right down the corridor into the school. Fortunately the vice principal found the individual and helped him out of the school. The individual was fine, but it was disconcerting. She noted that there is a policeman there, but he is in the polling location, not in the hallway. Countryside is a very large school and more than 30% don't speak English at home. The School has a heavy population of special needs students. Countryside has a more vulnerable population than at other schools and is located in a busy and heavily trafficked area. She suggested that Middle and High Schools were better choices for polling locations.

She also noted that if an election is not on a Tuesday, there will be issues as the Cafetorium is needed for students to have lunch.

It was noted that the polling location was moved within the building in the last couple of years to the Cafetorium to go directly into the space through a separate entrance as opposed to the gym, where voting had been held before, because voters had to go farther into the building to get to the gym. This change was made at the suggestion of the school when security measures were put in place.

Clerk Olson noted that there is a hallway outside the Cafetorium that leads to the main hallway of the building. He asked if there were doors there that could be closed. Terri Ginsburg noted that those doors could be closed, but the stairway to the second floor was before the doors. She also noted that the doors were supposed to be closed, but without someone stationed there, someone wandered in. Someone should be stationed there to guard the doors. Clerk Olson noted that at other schools where there are issues with security, the school department has provided an additional police officer. He noted that the Commission had recently moved

the polling location out of the Zervas School and the 2nd Officer from that location may be able to be moved to Countryside.

Clerk Olson noted that the staff is in the process of evaluating all of the polling locations to see where the biggest problems are, including the elementary schools, and over the next two years we will be looking to identify new sites for voting.

Discussion of the FY2016 Elections Budget

Clerk Olson distributed the projected budget for FY2016. He noted that the census budget will be flat. There are no anticipated changes in the census area. He noted that the changes in the budget are in the elections line items as there will be three elections in the fiscal year including the municipal preliminary, municipal general and the presidential primary. The budget includes some additional staff for the presidential primary to assist at the end of the night with tallying hand count ballots. The section also includes an increase in the flat rate that we pay our poll workers. We are currently paying less than what is being paid in surrounding communities. The last increase that was provided happened in 2007.

Commissioner Huffman asked about the Neighborhood Area Councils and if the League of Women Voters was still volunteering to conduct the elections. Clerk Olson noted that they have not helped in several years and that we now have four Area Councils that elect their members.

The Commissioners noted that they were comfortable with the increase for poll workers.

Peter Koutoujian, Newton's Interim Executive Secretary of Elections in 2013, was remembered.

The meeting adjourned.

The Date of the Next Commission Meeting.

The Commission will next meet on Monday, February 23, 2015, at 5:00 pm.

Submitted by

Marjorie Butler, Chair